BILL NO. S-87-05 - 19

SPECIAL ORDINANCE NO. S-151-87

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA TO DELETE SECTION 30-3 OF THE FORT WAYNE MUNICIPAL CODE ENTITLED "LICENSES TO ENGAGE IN BUSINESS OF PLANTING, TRIMMING, ETC., OF TREES, SHRUBS, ETC."

WHEREAS, the Fort Wayne Municipal Code is in need of revision; and

WHEREAS, Section 30-3 of the Fort Wayne Municipal Code has been determined by the Controller of the City of Fort Wayne to be unnecessary and provides very little revenue for the City.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Section 30-3 of the Fort Wayne Municipal Code is hereby deleted in its entirety.

SECTION 2. This ordinance shall be in full force and effect from and after its passage, and any and all necessary approval by the Mayor.

COUNCILMEMBER

APPROVED AS TO FORM AND LEGALITY.

Stanley A. Levine
Attorney for Common Council
Dated this 21st day of May, 1987

Read the first time in full and on motion by Gia Quinta, seconded by Eisbart, and duly adopted, read the second time by title and referred to the Committee 6th Hon Code of 1974 (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne Indiana, on _____, the _____ day of _____, 19____, at _____ o'clock ____.M.,E.S

DATE: 5-26-87

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the ~~third~~ time in full and on motion by Gia Quinta, seconded by Eisbart, and duly adopted, placed on its passage. PASSED (~~LOST~~) by the following vote:

| | AYES | NAYS | ABSTAINED | ABSENT | TO-WIT: |
|---|---|---|---|---|---|
| TOTAL VOTES | 8 | ____ | _____ | 1 | _____ |
| BRADBURY | ____ | ____ | _____ | ____ | _____ |
| BURNS | ✓ | ____ | _____ | ____ | _____ |
| EISBART | ✓ | ____ | _____ | ____ | _____ |
| GiaQUINTA | ✓ | ____ | _____ | ____ | _____ |
| HENRY | ✓ | ____ | _____ | ____ | _____ |
| REDD | ✓ | ____ | _____ | ____ | _____ |
| SCHMIDT | ✓ | ____ | _____ | ____ | _____ |
| STIER | ✓ | ____ | _____ | ____ | _____ |
| TALARICO | ✓ | ____ | _____ | ____ | _____ |

DATE: 6-9-87

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (~~ANNEXATION~~) (APPROPRIATION) (GENERAL) (SPECIAL) (~~ZONING MAP~~) ORDINANCE (~~RESOLUTION~~) NO. S-151-87 on the 9th day of June, 19 87,

ATTEST:

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

(SEAL)

Mark E. Gia Quinta
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of June, 19 87, at the hour of 11:30 o'clock A .M.,E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 16th day of June, 19 87, at the hour of 3P o'clock P .M.,E.S.T.

WIN MOSES, JR., MAYOR

**Sec. 30-3. Licenses to engage in business of planting, trimming, etc., of trees, shrubs, etc.**

It shall be unlawful for any person to engage in the business of planting, cutting, removing, trimming or spraying trees, shrubs, vines, etc., in the city without first procuring from the city controller, on an application approved by the board of park commissioners, a license each year, authorizing any such person so to engage in any such business. The board of park commissioners shall not approve any such application without first being satisfied of the competency of the applicant to engage in such business. Upon the issuance of such license by the city controller, the applicant shall pay a license fee of one dollar, which shall entitle him to conduct any such business during the calendar year within which the license is issued. The board of park commissioners within the city shall have power to revoke any license whenever it shall appear to such board that the licensee has violated any of the rules of such board which may be adopted in accordance with the provisions of this chapter, or has violated any ordinance of the city, or any law of the state, pertaining to the care, preservation, trimming or removal of trees, etc., in the city. (Code 1946, ch. 33, § 3.)

**Sec. 30-4. Trimming, etc., of trees, shrubs, etc., by property owner.**

The owner or occupant of any property abutting any street shall remove or trim any tree, shrub, vine, flower or plant or part thereof, on the property of any such owner or occupant which may be in unsightly or in a dangerous condition or which may project over the street beyond the property line of such owner or occupant in such a manner that the limbs or branches thereof will not permit free and unobstructed passage of pedestrians and vehicles, and an unobstructed view of street lights. (Code 1946, ch. 33, § 10; Ord. G-85-66, § 8.)

Held to 9th

BILL NO. S-87-05-19

REPORT OF THE COMMITTEE ON AD HOC COMMITTEE - FORT WAYNE MUNICIPAL CODE OF 1974

WE, YOUR COMMITTEE ON AD HOC COMMITTEE - FORT WAYNE MUNICIPAL CODE OF 1974 TO WHOM WAS REFERRED AN (ORDINANCE) ~~(RESOLUTION)~~ OF THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA TO DELETE SECTION 30-3 OF THE FORT WAYNE MUNICIPAL CODE ENTITLED "LICENSES TO ENGAGE IN BUSINESS OF PLANTING, TRIMMING, ETC., OF TREES, SHRUBS, ETC.,

HAVE HAD SAID (ORDINANCE) ~~(RESOLUTION)~~ UNDER CONSIDERATION AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE) ~~(RESOLUTION)~~

| YES | NO |
|---|---|
| James S. Stier | |
| Charles B. Redd | |
| Thomas C. Henry | |
| Samuel J. Talarico | |
| Paul E. Ebert | |
| Mark E. Giaquinta | |
| Don J. Schmidt | |

CONCURRED IN 6-9-87

SANDRA E. KENNEDY
CITY CLERK